

**Milton Town Council Meeting
Milton Library, 121 Union Street
Thursday, June 2, 2014 at 6:30pm**

1. Call to Order – Mayor Jones

2. Moment of Silence

3. Pledge of Allegiance to the Flag

4. Roll Call – Mayor Jones

Vice Mayor Booros	Present
Councilwoman Patterson	Present
Councilman Coté	Present
Councilwoman Parker-Selby	Present
Councilman Collier	Present
Mayor Jones	Present
Councilman West	Absent

5. Public Participation

- James Coverdale, a member of the Milton Lion's Club: There's an item on the agenda for tonight that's dealing with the Town Clock out here by the river, in front of the library. Now, we have done... I have been around long enough that this is my second time going around this subject and there is a history with that clock that deals with the Milton Lion's Club. Now we have a Historical Society, we have a Historic District; well to the Milton's Lion's Club that clock is also history to us. I see in this proposal that we have an analog digital clock that's being proposed to be put in the place of the clock that's out here now and I would like to remind the town, or the resident's of this town, years ago when we used to have Sussex Trust, down here where the police station is right now, before they built the new one where M&T Bank is, that particular sign with the town logo of the clipper ship and the town as founded in 1867, I think it was, all that was part of our town history. They gave that structure to the Milton Lion's Club. The Milton Lion's Club paid entirely for the move, the foundation, the electrical hook up at that time, which had the old magnetic flipper style mechanism in that clock. Back in 1995 the flipper mechanism failed. The Milton Lion's Club through Roger's Signs had the flipper mechanism taken out and the Milton Lion's Club paid for the LED display that was in that clock up until it stopped working; the Milton Lion's Club paid for the entire installation. At that time, in 1995, it was like \$5,500. So then when we come to the present situation again to this year, yes, I understand the town likes the Victorian style lamps up and down the street and things, they want the Victorian style, well Milton Lion's Club has no problem with that. Really. But as far as the history of this town and the history of the Milton Lion's Club, that structure is out there on that street right now is part of our history. The Milton Lion's Club does not want to give up our history. Do you realize how many funnel cakes, lemonades, dipping ice cream and stuff that we've done over the years. I can talk about history going back when we had fundraiser's, we

used to do the Donkey Baseball; that's our history and you're trying to do away with our history. So I press on the Town Council to work together with the Milton Lion's Club; work together on trying to provide the funding for a new LED Display to go in our original structure out there, just like we did years ago in 1995. LED, yeah it might not be what you call Victorian, but it works and that particular movement they can't get parts for it anymore, because it has outlived the parts. So it was 1995 when we put it in. I am not one to go without doing my homework. If you go up to the Town of Milford right now, where I was born and raised in Milford, before I moved here, they must have about six clocks that are face clocks up there right now. Yes, they're electrically powered. The electric motor runs a mechanical mechanism and you put that mechanical mechanism out here in the environment, with the dust, corrosion, whatever; there is a maintenance schedule that has to be done about every 6-8 months on those clocks and if not, they don't work; they stop. Years ago, like I said, this is round two. When we first came up with this subject, was back when Don Post was Mayor; now I'm dating myself here now. Don Post, we had this conversation and that's why we kept the present structure and put the LED in it because it was non-maintenance. Now, hindsight is always better than foresight. Roger's Signs asked us to buy a little bit better electronic control for that clock, which had a battery back up; so in other words if the power went out, in town, when the power came back on, the brain of that mechanism would be up to current time and current temperature. We did not buy the battery back-up. That's why you have to call Roger's Signs to come back, to put the little thing in there and update it. So I recommend that between the Town Council, the town and our organizations in town, please try to find a way that we can fund a new LED display to go in that clock and do the battery back-up so that nobody has to come down or call Roger's Signs or somebody's got a keypad to go back down there and reset the thing. That way it's automatically done.

Mayor Jones: Thank you Mr. Coverdale.

- Ed Kost, 230 Sundance Lane: Mayor Jones, members of Council. I see that the streets of Cannery Village are on tonight's agenda, but my understanding is that we are still in limbo. I have some thoughts on sidewalks. The subject tonight is sidewalks. Actually, two sets of sidewalks. The first set of sidewalks is the sidewalks that go from the existing temporary tank farm, around the parking lot to the brewery. On that side of the street, there are no homes. There's no real reason to build that sidewalk. The sidewalk's original purpose was to provide pedestrian access from Section 3A, which is now the brewery's warehouse. So no one's going to really use that sidewalk; the sidewalk on the other side of the street, in front of all the homes, we have sidewalks. We don't need that sidewalk. And a thought that you may wish to check with the brewery, once that sidewalk would be built, the brewery would be responsible for maintaining it; they're the adjoining property owner, not our Homeowner's Association, so from my view point is paying for it, I don't care in that sense, but the brewery might care, especially if you make them shovel it or do something like that, but the point is that that sidewalk is not necessary except for two pieces; a little 15' piece that's missing and the piece that connects the six homes and the condo's and the community building. That needs to be built, but that one section does not. Now, the compromise, all the homes that have not been built yet, there are 41 of them; that's by my latest county yesterday afternoon, the

town should require that the sidewalk's be installed. I think they should be installed at the time of construction, simply because if you install them first and then you build over them and break them, you're going to rebuilt them and it's simply a waste of money; however, I completely agree with Robin Davis, in the sense of the town needs a performance guarantee to see that in five years time limit, that the sidewalk's are completed, i.e. a lien on certain lots. The trade-off being, don't build the one sidewalk, put up two lots or how many lots you need to off-set the cost, so you're ensured you're going to have money, to finish the sidewalk's five years from now. To me that makes a lot of sense. I'm not sure where in the negotiations you are with Chestnut Properties, but I'd like to just put that out before you, for food for thought. Another point, that Robin raised, is a document, a drawing showing that a change has been made to the approved plans. The Town does not have original drawings. No town does. Only the engineer's do. The Town has blueprints. In fact, the developer only has blueprints. I was in the business and I kept the originals; they were mine actually, because I did them and I was paid for them. The developer controls it, can tell me who to make prints... What does the town need? It needs a blueprint to show the sidewalk's that are going to be deleted; magic marker them out; put a note on it saying that these sidewalk's have been deleted; signed by a Representative of the Town; signed by a Representative of Chestnut Properties. I'm sure the attorney could attach a letter to that drawing. The Town has a copy for it's files; the developer has a copy for it's files; and there can't be any doubt about what was agreed to and not agreed to, in the future. It seems to me with the sidewalk's, this is a way both parties get something that they want. Chestnut doesn't spend so much money, but they are required to put up the performance guarantee for the sidewalk's that we really do need; the ones in front of all the lots. Thank you.

- Mohamed el Gindy, 307 Brick Lane: I think I talked Saturday, but not many people were here Saturday, but I'm going to make sure, that when we start to pave the streets, that we should have a schedule of paving the road and the alleyways and we have to know the start and the finish and we'll hold the contractor to that. Because it seems to me that this thing is still floating and I don't know if I'm going to see that during my lifetime. I'm not trying to be... I understand now there's a lot of questions, outstanding questions, regarding the punch list, correct? Punch list items are outstanding. Some people, like the contractor doesn't want to do something _____. Right?

Seth Thompson: Right. I think that's right. The last time the developer was here, he indicated that there were certain items that they felt were de minimis, would probably be my term for it, on the punch list. I haven't seen anything indicating what exactly they felt that would be. Now I suppose they could have provided that to the Town, but I would expect the Town probably would have communicated with me if that was the case.

Mohamed el Gindy: So I assume that you send them a letter and tell them what you don't want to do and I think we should come to agreement on that. Just send them a letter and tell them what you're not going to do and then we start whatever they agree to do. That's the best way actually, because right now we're standing, the summer's going to be over, we're not going to be able to do anything. Thank you.

Seth Thompson: No, understood.

Councilman Côté: Mr. el Gindy, to the best of my knowledge, they are working, they are

in discussion with their contractor, comparing their list of what would be “de minimis” to the town's list. The Town has a list of what would be de minimis and they're comparing their lists. The plan is for them to make a draft of an agreement of some sort and I don't know the details, because I'm not the attorney...

Mohamed el Gindy: Put a timeline on that. We've been waiting for how long? Honestly.
Vice Mayor Booros: Twelve years.

Mohamed el Gindy: What I'm saying is, stuff like that... I've been in the construction business for over 40 years; it should not take that long for them to delay, unless tell me we're going to do this and we're not going to do that.

Councilman Coté: This discussion of what's on the list and what's not, has been ongoing for less than 10 days. I don't know that 10 days is unreasonable and hopefully they'll be done soon.

Mohamed el Gindy: Is that 10 business days or 10 regular days?

Councilman Coté: 10 regular days.

Mohamed el Gindy: Okay so we give them a little bit more time, but we have to follow up with this by letters and advising them that we cannot wait forever. This street is a big mess now. I can't go anywhere without hitting a pot hole and who's going to fix my car if I have... I have two new cars in my house. Who's going to fix them. I'm going to go out and sue the contractor? I think we should speed the process. This is the time to speed the process. We don't have to wait. He didn't answer you, hit him with a letter; you hit him with a letter; you know the rules.

Seth Thompson: I can tell you, I've spelled out what I would expect to see from them.

Mohamed el Gindy: But they don't answer you.

Seth Thompson: But again, they're the one that needs to submit the application. I don't want to rehash everything but that's really where we are at this point.

Mohamed el Gindy: Honestly, if somebody holds an application and they don't submit it, you should go on his back and get him to submit the application. It's just common practice.

Seth Thompson: I don't know what going on his back means, but...

Mohamed el Gindy: Well what I'm saying is you go and call him and say okay, I'm going to send you a letter; please answer us within X amount of days. That's it. I understand you have more work. I understand that. Everybody has a lot of work, but this is urgent now.

Seth Thompson: Right. No, it's not that I have other work. Certainly this has been pending a long time and it's very important to a lot of people; it's that if I say you have X number of days to submit something; what's the repercussion if they don't?

Mohamed el Gindy: Then after that you have him noticed. You know how many times I went to court with contractor's? You have him noticed. That's not going to look good in case you take him to court. Okay. Thank you.

- Richard Miller, Gristmill Drive, Milton: To follow up on a couple of speakers, the one interesting thing about Milton is when things move fast, they move very fast, when they move slow, they come to a stop. I'm really confused. I've been to many of these meetings. Can someone at least me give me an overview of what the status of the lanes, what date the Town will take over ownership of our lanes?

Seth Thompson: To be clear, I identified it at the meeting, but also in writing afterwards

to the developer; the lanes are part of what's the approved sub-division plat, so there needs to be an application to revise that sub-division plat.

Richard Miller: And that would come from the developer?

Seth Thompson: It would and it's not particularly complicated. I don't want to make it sound like that's some onerous task. All they need to do is submit an application with a plan that has the note stricken that references those lanes as being private lanes.

Richard Miller: Because I can strike that real quick myself. Thank you Seth. The other question I have and it has to go to process; I'm going to deal in the next minute or two with the sidewalk controversy and last month I watched the process of distressing which sidewalk would be done, which wouldn't be done and there was a discussion by the Public Works Department on their take; they're relatively new in the discussion, because there's been a change of administration within that department, so I can understand the reluctance for Public Works at that type of meeting to just sign off, because that department's going to have to live with the decision; so it did put a braking... in essence, it did put a brake on some of the discussion. We've been moving very quickly and we're probably at the last 10% of this finalization and with any project, the project manager understands, the last 10% takes 90% of the effort and that's where we're at now. We're only talking about two slabs of sidewalk; which in the scheme of things doesn't mean a bucket of spit. We have sidewalks in Milton that have been here for 70, 80 years that have to be repaired and we're really agonizing over two sections that we can administratively put aside, that would decide whether that will hold up this project.

Seth Thompson: Mr. Miller, to be clear on that, as opposed to the sub-division plat that has to go to Planning and Zoning and then Council for revision; when we're just talking about a sidewalk, it's purely on the site plan, so really that's just a revision and again, I don't think the Town is looking to emphasize form over substance. It just needs to be clear as to what the new plan was. I think Mr. Kost said it well, that if somebody in the future were to come back and look and say, well is this built as to what was approved; we just need something to verify that that is indeed the case, assuming Planning and Zoning approves the removal of those sidewalks. But that one is actually easier, than the lane dedication, in that it's really just kind of a one-stop, go to Planning and Zoning, Council doesn't review a revision to a site plan.

Richard Miller: I understand counsel, but my point is we're this close.

Seth Thompson: I agree.

Richard Miller: And I don't want to see us stumble and I understand that different departments want their input, because they have to live with consequences, but this has been hashed over for 8, 9 years now and we're so very close that we just have to make a leap of faith. There is a difference between an exercise and a compromise which the Council's been very good; the last three administrations in compromise; but right now we're in an exercise of futility and I just would like us to finalize this. Thank you.

Councilman Coté: Not to confuse the issue, but just to hopefully clarify a little bit; it's not just two slabs of sidewalk that are going to be eliminated from the plan; under discussion are all the sidewalk's on the yet to be built lots and when they will be done.

Vice Mayor Booros: And also not to confuse the issue, we have had; not everyone on Council, but a couple of council members, Mr. Thompson, Mr. Wingo from Public Works, have had meetings, one on one with the developer's where they agreed to do all

the sidewalks. I wasn't at the last meeting where the compromise crap took place, but I was in a one on one meeting with the developer's where they agreed to do it all. We walked out of there and when you show up at the next meeting, which I missed, everything changed. That wasn't the first one on one meeting, I think that was the third one that I've been in with Chestnut Properties where it looked like things were pretty much agreed to and everybody could settle. Then it doesn't happen.

Mohamed el Gindy: It's not documented right. If you sit in a meeting, you have to write everything down.

Vice Mayor Booros: Everything was recorded, but just because they said they're going to do it on a recording, doesn't mean... your streets aren't paved yet.

Seth Thompson: And Vice Mayor Booros you're exactly right. The bottom line there are proper processes for this and they're not particularly complicated. There are a few different outstanding issues that need to go through the proper channels. We are very close. It would be a shame to not be able to wrap this up, because frankly a lot of the work would have to be repeated later on, if we can't get to some resolution now.

Unidentified Speaker: That sounds correct.

Seth Thompson: No, no, honestly that happens all the time when parties are very close to a resolution and then they just don't get there and then there's a certain amount of work in getting back up to speed, as well as the fact that we're dealing with construction so things naturally deteriorate over time. Time only makes it more difficult.

- Don Shandler, 202 Gristmill Drive: I think some of you might know me as Judy Shandler's Administrative Assistant, but I do get to do things on my own. I'm taking advantage, she's out of town, so I'm trying to create a little havoc. I'd like to just provide as the individual who was responsible 19 months ago for pursuing a solar speed sign on Route 5. I wanted to use these few moments to do a couple of things. One, give an update from my perspective of how it's working. Two, look at the process that, as I perceive it took place and lastly make some recommendations to keep it moving. As an academic type, I took the liberty of passing out a hand-out to the Council, just to kind of create the history. The good news first. The good news is that it was installed and I discovered it walking along; actually Councilman Collier gave me a heads up that it was there and it was terrific seeing it. I almost felt that we needed a memorial plaque placed at the bottom of it, after nine months, we did it; but that was a little presumptuous. The other good news was, it's fascinating. I walk that stretch 3, 4, 5 times a week and it's fascinating to see people slow down. The bad news is, there are people who just ignore it and partly that's related to the fact that I think Lewes and Rehoboth has, that the sign is good but a police car and other signage is better. But the good news to cap that off, is we do have established a precedent of having our first sign in place. I sketched out on the hand-out to the Council opportunities to improve the process and the acquisition. Little did I know when we moved to Lower Slower Delaware that it was lower and slower. My feeling is that from the original letter, which I shared with you folks in yellow, it's been 19 months and I realize that there's all kinds of things associated with procurement and approval, but I think that was way too long for something that's relatively simple. The other concern that I have about it, it was citizen driven. I might have missed the document, but I never saw anything that the Town has a Comprehensive Plan for solar speed signs and radar. Maybe there's something like that floating around, but not only

did it take me 19 months, but I wondered why this wasn't done five years ago, or ten years ago. The other opportunity was the funding of it became confusing. I sat in on an initial budget meeting, where it was clearly bought into the budget. It then moved to a grant. To me, if something's important, I manage appropriated funds and grants. If it's important, it should remain in the appropriated fund. The final part of it was, then it moved to another source. The good news it got funded, but it's my understanding that the Council, nor the Mayor, was aware of where the funding came from and were involved in that process and I think that is inappropriate. In summary, as I perceive it, you might all differ, I think it was time consuming and I think there were inefficiencies there and it shouldn't have taken 19 months. Now these are potential next steps. I know the negotiation, implementing things, unless you have a plan, it's going to die where it is. That one sign could remain one sign. I am not a law enforcement expert, but here are some things that I thought would be appropriate. I would like to see a one-page document. I think the Chief of Police would probably be the most appropriate person, with other stakeholders... one page, that outlines 12-24 month plan to complete the installation, acquisition of solar signs. I think there's probably a minimum of four other signs that could be needed and the Chief of Police at one time, even mentioned the idea of having a movable sign, that could be moved around. I would like to see that plan reviewed by the Council and appropriate stakeholders so there's some sense of ownership of what's happening. The third point of the 5 or 6 I have, the funds should be budgeted into hard money and not count on grant funding; if grant funding appears that could help accelerate the process from 24 months to 12 months. I think another point is, I think we might need and this is maybe a DelDOT issue, signs that say Radar Enforced Speed. That warning would be important and I know we have a modest police force, but having some kind of schedule of police enforcement of that and I know this is a confidential issue, that the Chief cannot distribute when there's going to be a police car there, but I do think at least the Mayor and maybe people on the Council should know when the car's going to be there. I very seldom see a police car there and I see people speeding and no action is taken. It's not my job to do a performance review of the Police Department, but clearly people leaving on Friday, Saturday and Sunday nights, during the day would be good times. So the long and short of it, in summary, I think the great news is we have a sign. I think there's a leadership opportunity here. I would like to see the Town move forward, which to me is a very modest public safety initiative and I was going to close by quoting Ed Kost, who said a month ago, I hope this is the last time you see me, but son of a gun, he was back again, so we have to stay with this. Let me ask, are you to address this issue?

Mayor Jones: Thank you and thank you for your persistence in this measure.

Vice Mayor Booros: On a lighter note, Mr. Shandler, Ellendale got two signs on the same day ours was put up.

Don Shandler: [unintelligible]

Vice Mayor Booros: Sorry, and I will find out where their funding came from and how they did it, because I know they don't have a huge tax base.

- Valerie Valeska, 204 Atlantic Avenue: Madame Mayor, Members of Council. Before I address my topic, I would like to ask who owns the sidewalks in the Town of Milton? The property owners or the Town of Milton?

Seth Thompson: When you're talking about ownership?

Valerie Valeska: Yes.

Seth Thompson: Well it would just be generally, I gather we're going to maintenance and the way the Charter is set up, the maintenance is the obligation of the property owner, so they're typically within the right-of-way, so that's why people are allowed to walk on them, but normally, if you want to envision it as a layer, the land underneath the right-of-way is owned by the property owner.

Valerie Valeska: Okay, so that would make the sidewalk's the ownership of the property owner then?

Seth Thompson: Right. You can think of it as an easement, so there's the land that's owned and this is speaking very generally; there might be certain sidewalks that are fully within a section that's dedicated to the town, but normally, the right-of-way or the easement is kind of the ability to use the property on the surface, so in other words, the land underneath is owned as part of that person's property, but there's this easement for the public to use the sidewalk.

Valerie Valeska: Okay, because the thing I wanted to address, was the maintenance of said sidewalks, if it was town property, would to me it's like forced labor, would be in violation of 18U.S.C.1589; that's why I asked the question first.

Seth Thompson: The sidewalk's really... Obviously I don't look at every map, they are going to be on somebody's private property; the same way other easements for utilities are.

Valerie Valeska: What about abutting sidewalk's? How is that defined.

Seth Thompson: Abutting to what?

Valerie Valeska: Well abutting a property. Say like 204 Atlantic, there's no sidewalk on the Atlantic side; there's a strip of sidewalk on the property, the developed property; that land abuts the 204 property and then there's a house there, so that sidewalk abuts the first house on the right going down Valley Drive.

Vice Mayor Booros: Is it common ground on Valley Drive that that sidewalk's on? They have a Homeowner's Association.

Valerie Valeska: Yes, I think it is common ground, because there's a space of dirt there between the 204 property line going on out to... that is part of the Preserve on the Broadkill.

Seth Thompson: When we say common ground, are we talking about the Homeowner's Association owning it?

Valerie Valeska: Okay, well your answer about who owns the sidewalks, that settles my comment. Thank you.

Mayor Jones: Thank you.

- Jeff Dailey, 211 Gristmill Drive: If anyone would like to read what I just handed out to Council, there are additional copies at the rear on the table. Also, I promised Ellen Passman, that every time I got up to speak, I would put a spotlight on July 1st for the Farmer's Market Fundraiser. There are additional copies of this flyer. Keep July 1st in your box. I want to address the item on tonight's agenda about the clock and I want to thank Mr. Coverdale for speaking. Words are powerful things and the word replacement sends a message that our clock downtown needs replacing. That's debatable. I've grown very fond of that clock in the seven years that I've lived here. This gentleman who hails

from Milford, but has made Milton his home, is one of our service members, in an esteemed organization. A town is only as good as it's volunteer army and Milton is blessed with a very large one, with all the service organizations. Replacement of downtown clock, including approval of the style and expenditure. I feel like we're back again talking about chain link fences. We need to have a public forum that will galvanize people behind such issues, instead of dividing us and hurting our feelings. Replacement is a negative word. If there is grant money for a new clock, maybe we could have two clocks. Maybe if we had a public forum, representatives other than Mr. Coverdale, could come from the Lion's Club and talk about why that clock should remain. If we keep doing things the same way, we are going to have the same low points that we have experienced in former administrations, with former Mayors and Councils. You are too talented, each and every one of you. You are too valuable to all of the citizens of this Town; not to give us the opportunity to share our thoughts, feelings and input with you and I call again, for a cap on expenditures and a cap on lost revenue; you need to decide on this, because there are instances such as clocks and fencing in three locations in our Town that should have been brought out in public forum and in workshop. Here we are, here we are, just a week later and I stood at this microphone and I said this kind of debacle is going to happen again and now you're planting the seeds for it to happen again. I don't know how much the clock costs; but it deserves a public forum. For God's sake, it deserves a public forum.

- Jim Welu, no known address; homeless in Milton: I'm sorry I wasn't able to be here for the last few meetings and I'm bringing up a question that is probably too late to even ask, but with the water tower in Shipbuilder's, what was the reason for the failure? Was it engineer mis-design? Was it contractor not building what was designed, the way it was designed, assuming that the engineer's construction plans and specifications were proper? Was the concrete tested? Normally when you have a big concrete pouring, something that would hold up a water tower, there would be samples of the concrete. I don't know whether we had samples of the concrete. My question is who is really responsible, unless it's some type of major earthquake effect, that we have no control over; but who is responsible for the failure of the foundation of the water tower, and who should be held accountable then, for paying for it? Engineer? Contractor? Cement deliverer, who? I don't know. I don't know if those questions have been asked. I would have asked them if I had been here a few months ago. Secondly, I would like to complement you on having four pictures of possible clocks. At least it gives us some idea of what is being planned for the future. I agree with Jeff Dailey. I think that we need to have a workshop to really vet this whole issue out, as far as possible. I haven't had a chance to read the package. I got here late to start with, but they talk about electronic signs with weather, time and all kinds of things like that. I don't know how that fits in or where it would go in relationship to the picture of the four clocks. I would just say, of the four that I saw, the first two looked like, as far as the clock configuration, looked like any clock you would see in a hotel, in a hospital, and some public place. I think they're pretty awful. I would go for Roman Numerals and I would go for, of the two designs that are there, I would go for the Norwood sign. Thank you very much.
Mayor Jones: Thank you. That is the end of public participation.

6. Additions or Corrections to the Agenda

Mayor Jones: Are there any additions or corrections to the agenda this evening?

Councilman Collier: Yes, Madame Mayor, I'd like to offer one correction please. The reading of the Ordinance regarding sidewalks, is not a second reading. The first time that this came before this Council was merely as a Committee Report. It was referred to the Solicitor for fine tuning in preparation in the form of an Ordinance, so this would be the first reading.

Seth Thompson: And that was my mistake, Madame Mayor. I know it was on the prior agenda, but when I went back through the minutes, it indeed indicated that the next time, meaning this time, would be the first reading.

Mayor Jones: Okay, thank you. Anything else?

7. Agenda Approval

Mayor Jones: May I hear a motion to approve, as amended?

Councilwoman Patterson: I make a motion to approve the agenda, as amended.

Councilwoman Parker-Selby: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried.

8. Mayor's Report

Mayor Jones: I don't have too much to share with you this evening, other than to remind everybody of the Comprehensive Plan Meeting that marches on. I skipped all of you. I'm sorry. Let's back up. Can we keep the agenda approval. I apologize, it is public participation time.

Seth Thompson: It's okay.

Mayor Jones: Now I wanted to give a little bit of information on the Mayor's Report, is just to remind those present that the next Comprehensive Plan meeting is a 6:30 p.m. in the Library on Monday, the 9th, just a week from today. We will be finishing up with the DelDOT Planner at that Comprehensive Plan and there will be a short period of time remaining. I am not exactly sure how the remainder of that meeting will be steered. I am opened for suggestions. There had been some talk about a public survey being out there, so I really don't have anything other to add than it is a DelDOT issue and certainly with ideas and wishes and wants from DelDOT which possess an awful lot of our main arteries here in town, please consider coming out and being heard on that.

9. Discussion of Written Committee Reports

Mayor Jones: I do not have any in my package.

10. Department Reports: Planning & Code, Police

Mayor Jones: You have a Planning and Code report. Let me say again, I met with Mr. Davis, just last week and I have asked both him and Mr. Trotta, to really be a little more assertive in their recommendations to Council, in reference to revisions of Ordinances and Codes; certainly by the time you send a homeowner a notice that their grass is 10" high, it's going to look like a hayfield by the time they get around to cutting it and so I've asked Mr. Davis to please, bring some ideas forward to the Council that will minimize that length before notices are sent out and that and other things that we certainly face, that need some polishing up on our Codes and Ordinances. We don't need to wait to stumble upon them. We really need to get after them and scrub them as they apply to the review of our Comprehensive Plan, as well. Are there any

comments on the Planning and Code report? If not, we have a police report.

Councilman Collier: Chief, I have a couple of things I'd like to ask, if I may, please. One thing I've noticed, I know we have a K-9 officer, K-9 unit and I looked back through all the reports that I've had since I sat on Council and I've never seen any notation as to the K-9 actually being used or answering a call, or an assist to another agency by the K-9 or anything else. Could that be included in these reports, when it occurs?

Chief Phillips: I can do some checking on that and see what we can do, but we have to be real careful what we put in there and what we don't put in there. I've never hear of such a thing.

Councilman Collier: It would be interesting to see how well the dog...

Chief Phillips: Other towns don't do that, but we can try and figure something out, I guess.

Councilman Collier: I get asked from time to time, do we still have a dog, because the dog seems to be missing in action right now and I'd like to be able to say it's in the reports.

Chief Phillips: Well right now, the problem is, we only have one officer per shift and the officer can't carry his K-9 with him, because if he picks up more than one prisoner, there's no place to transfer them back, so it becomes a liability if they get bit by the dog, so at this time...

Councilman Collier: Alright, thank you.

Vice Mayor Booros: Councilman Collier, the dog was seen, TD Bank at the bank robbery Sunday, a week ago in Rehoboth.

Councilman Collier: Okay, very good, thank you. I have one other question for you, Chief and this doesn't have anything to do with your report, but it's still a question on the list. Back when we did our budget for this year, I believe that you allocated some funds out of one of your grants to pay for a solar sign and I understand that the one that we do have in place now, was paid for through a legislative grant. Does that money still sit in your fund somewhere, for an additional sign?

Chief Phillips: At that time, there wasn't really... I don't recall what we talked about in that aspect, but basically we got it from Representatives and Senators.

Councilman Collier: I understand where the money for the sign that's been placed came from, but during the budget process, I believe that you committed \$5,000 from one of your multiple grants for the placement of a solar sign, so we have one that was paid for by a legislative grant. I'm asking, if those funds that you committed to, still exist for the placement of a second solar sign.

Chief Phillips: I'm going to say no right now. Part of the thing was we never committed to it totally, because we hadn't finished the budget, but we had talked about it and then I found another way to fund it.

Councilman Collier: Well that's not quite my understanding. I'm sure I can get an answer. We'll get back to you on this.

Chief Phillips: Okay.

Mayor Jones: I think that funding was approved and then you sought legislative help, after that budget was approved; but I'll ask Mrs. Rogers for a clarification on that.

Chief Phillips: I can't actually recall at this time.

Kristy Rogers: I remember the sign being discussed in the budget process. In 2013 there was a County Grant, I believe, is where some of these monies were coming from. The last \$5,000 of the 2013 Grant, was used to pay for the police wall, a repair that was needed. The other \$5,000 I believe, that \$5,000 was to pay for the solar sign. To my knowledge, the \$5,000 now open on the 2014 Grant, is still open. I'm not sure if it's been allocated otherwise.

Mayor Jones: Maybe you would let us know that.

Councilman Collier: Thank you.

Mayor Jones: We certainly do have other locations and if the money has been allocated, we should go ahead and use it. We have two other schools to cover for it's use like that. Chief, in reference to the activity reports, I'm not exactly sure what you're using, but mine are not coming through clearly, at all, on copy and they're very difficult to read. For example, I see in the case of one of the officers, it looks like it's numbered page 12 at the bottom of the table, I have hours and patrol hours, but no patrol miles. That would indicate several hours that the vehicle didn't move on patrol and maybe that is the case, but again with the way the lines and the tables are structured, this is very difficult to read. Property checks on some of these officers, I'm not sure what property checks are as opposed to residential door checks. I know what the difference is when you go up and you check to see that houses are secure, so I'm not sure what property checks are in that case. Non-functional hours. Can you tell me what those encompass? I see them on here. They were not on the original activity report that was given to you last year, so what are non-functional hours?

Chief Phillips: To the best of my knowledge, it's going to be time doing paperwork and also being in court or transporting prisoner's to court; tied up at the Station, processing and things like that.

Mayor Jones: Okay. For another month we have a very large number of alarm complaints and we have had a large number of alarm complaints; some of the meetings, I know that you've not been here to ask this question, but these now become, in my mind, nuisance alarms and I would like you to review... this is June. This report is April. I'd like you to review and report back to me, please, the number of alarms and where they're located and their frequency from January through April; that will cover the 21 that are on this one right here; because if these are nuisance alarms and they keep going off and they keep calling for manpower to go out to them and they're false, that's just an issue that probably those homeowner's and/or business owner's need to take care of, so if you would get me that information.

Chief Phillips: I'd like to see us pass our own Town Ordinance on that, if we could work on something like that.

Mayor Jones: Okay. I think Mr. Thompson's going to tell us we may have a nuisance ordinance on that.

Seth Thompson: I believe so Mayor and Chief. I think we passed one two years ago, at this point? I'll double-check, but...

Chief Phillips: I know we have a nuisance one, but I'm saying one more up-to-date with the fines being appropriate at this time. A lot of them are...

Seth Thompson: It looks like it's Chapter 167 on False Alarms for Security Systems and Protective Services.

Mayor Jones: If you would get both Mr. Thompson and myself that data, we'll have a look at that.

Chief Phillips: Absolutely.

Mayor Jones: Also, in your total man hours, all employees; those numbers should include the Administrative Assistant.

Chief Phillips: Okay. At one point we were told not to, but okay, we'll take care of that.

Councilwoman Parker-Selby: Chief, question. Has there been any success with the individual, the victim who was hit in the graveyard? Many people are asking me about it, who live in that

area.

Chief Phillips: We're still investigating at this time, following up on different leads, but at this time we have not made an arrest. No.

Councilwoman Parker-Selby: No arrest yet? Okay. Question on your complaint sheet. What does it mean Be On The Lookout, accident hit and run? I see we had three incidents there? What does that particular category entail?

Chief Phillips: Basically, other accidents happened in other parts of the State, like in Georgetown, Rehoboth; they would call and tell us to Be On The Lookout for them, so that's how we document it. Usually we put a different thing on there, but I wrote it out fully so everybody would understand it better.

Councilwoman Parker-Selby: Okay and I note fugitive and then on the other sheet it says fugitive wanted by other; and both have three. Is that the same thing?

Chief Phillips: Yes, Ma'am.

Councilwoman Parker-Selby: Okay. Thank you.

Mayor Jones: I did have a message left on my work phone from a gentleman, who knew the gentleman who was the victim in the graveyard and the victim was very thankful for the services of Milton Police Department and to yourself, so I want to share that with you.

Chief Phillips: Thank you. I do know he's home and he's doing rather well, the last time we talked to him. Thank you.

Mayor Jones: I've encouraged him not to be afraid to come back to Milton.

Chief Phillips: Absolutely.

Mayor Jones: I do have a concern. We're not far from coming into the budget year. I'm concerned about the vehicles that are parked and have been parked for some time and the cell phones that have been turned in by officer's who have left. Those air cards are still activated in those vehicles and those, if I'm not mistaken, are approximately \$40 and some change every month, just to sit there and remain active, as well as those phones that are not being used. So I'd like you to work with Mrs. Rogers, as quickly as you can, to come up with a plan to surrender or release some of those; if we need to reestablish them as we take on other officer's, that would be fine, but I would hate to see us continue to pay that kind of money for vehicles that sit.

Chief Phillips: I do know that the phones are turned off, but I'm not positive about the air cards, but I would think most of them have been turned off, but I'll double-check on that.

Mayor Jones: And even turned off, I just want to make sure when you check with Mrs. Rogers that there's not a charge for that phone being still _____ and opened. Okay? Thank you very much.

Chief Phillips: Yes, Ma'am.

Mayor Jones: Any other comments on that report?

11. Finance Report and Revenue and Expenditures Report

Mayor Jones: We move onto the Finance Report.

Councilman Coté: Without getting into all the details, the General Fund shows \$673,000 to the plus side, but all of the taxes show as being collected. They are all included in Revenue for the whole year and obviously this is April, so we have five more months of expenses to go. The Utility Fund is also in the plus side of over \$200,000. The Utility Fund is more balanced in the Revenue vs. the Spending, because we bill quarterly for the water and the trash. Good news/bad news is we've just renewed the CD's, or fairly recently, because there wasn't a semi-liquid

option that appeared to be any better than what we got from the CD's.

Mayor Jones: Mrs. Rogers, do we renegotiate our trash contract this year? We do. I think the good news Council is that we will not be spending nearly the amount of time on our budget preparation as we have in the past. We have a little bit of a different process that we're going to start out this year, so I look for things to work much better. That's good for all of us. Any comments or questions on this document? I do. Mrs. Rogers, I noticed something in Mr. Davis' report, actually. Are the two of you working towards confirmation of the bills on the Accounts Receivable list at this time?

Kristy Rogers: We will work through them. I briefly looked through the list, but he and I sitting down and going through line by line of the resident's status, we have not gotten to that yet.

Mayor Jones: Okay. Thank you.

12. Old Business – Discussion and possible vote on the following items:

- a. Cannery Village punch list, development standards and sub-division approvals

Mayor Jones: Do you have anything to add tonight?

Seth Thompson: I don't have anything, since the most recent meeting, no, which was just an update that I hadn't received any further communication from Chestnut Properties.

Councilman Coté: As I stated earlier, they are waiting for Croll, their construction company, to get back to them on agreement on the list of de minimis items and that was one of the things, I think, that was going to be included in their next correspondence.

Mayor Jones: Does anyone have an idea when we can expect that, because these folks were in front of us in April; Mr. Reed and Mr. Thompson stood here and pretty much agreed to the things that Council talked about and I got a call the following day, so I know we've been working towards things since then and I know that right now they are working with that contractor over the punch list that Milton presented, so we're anxious to see how that develops.

Councilman Coté: I haven't heard a when they will be ready.

Mayor Jones: Okay.

- b. Discussion of the repair of the Shipbuilder's Village water tower foundation????

Mayor Jones: We're going to review the Shipbuilder's water tower foundation. You have in front of you the Specification Manual. This was prepared by Baker Ingram & Associates. Mr. Wingo, did you have anything that you wanted to add to this this evening?

Greg Wingo: The Shipbuilder's tower, what I would like to do is we would like to go ahead and get this packet out to bid, so we can get some good prices on what Mr. Young had submitted to us from Baker Ingram & Associates. Also, I am currently working with Pennoni Associates. What I want to try to get from them is another bid package for basically pouring a new foundation and moving the tower. What we have here is along with everything else, it's something that's pricey to do. I wasn't so much involved in the Baker Ingram & Associates; that happened two years ago and this is not my number one fix that everybody is aware of; because it's basically the time period, 10 or 15 years; I don't want to have to go back and work on this foundation again. To get Pennoni Associates started, I've already given them the go ahead; what we need to do is pull

some core samples of the actual dirt and the ground out there, that's one of the first steps, so we can see what kind of foundation that that area will accept. It's like I said, it's going to be pretty pricey to put together a bid packet. I would like to make a recommendation as the town allows me to spend \$10,000 to go ahead and give Pennoni Associates the go ahead and start this process while we're putting this other one, out for bid.

Vice Mayor Booros: Mr. Wingo and Mayor Jones, my problem with that is, when a contractor has to put together a bid package, it costs them money too, for engineering and stuff like that. I have a problem asking them to bid on this, while we're out there getting another package together, for what we'd really like to do, which is what we think would be the least expensive option. I'd prefer to see one bid package go out and have people quote on both of them, at the same time.

Greg Wingo: Just to answer that question Vice Mayor Booros, that's kind of what I wanted to do and after about two weeks of having some good conversations about this, I was directed, almost from everybody, don't put both of the bid packages out together. We have this one from Baker Ingram & Associates ready to go. It's going to take me approximately a month to go ahead and get this other one from Pennoni Associates together.

Vice Mayor Booros: But you're asking companies to spend money to put together proposals; that's a very costly thing to do.

Greg Wingo: If you want the job, that's what these companies do.

Vice Mayor Booros: I know it is what they do, but if that's not what we intend to award and we're out there getting another bid package together for what we'd really like to do, why would you ask somebody to put the money into preparing a proposal for this? You're asking companies in this economy to do a proposal on something that isn't what we really want to do.

Greg Wingo: I don't have to put this Baker Ingram & Associates out to bid. I'm just letting you know, I believe it cost us \$47,000 that I have nothing to do with, putting this together...

Vice Mayor Booros: I understand that and we know approximately \$335,000 is the government's estimate.

Greg Wingo: If there are three, four, five contractors that come and put a bid on this that do work like this... what I'm saying is every little bit, from every contractor that does work like this, is just more feedback that I can get.

Vice Mayor Booros: I understand. All I'm saying is, if we know that Baker Ingram & Associates told us approximately \$335,000 is what our estimate is, budget-wise. Pennoni Associates should be able to give you an estimate of what that's going to cost, when they put together a package like that, what they're feeling about what it should cost; that's not exactly to the dollar. I think at that point, we need to make a decision between us, which direction we're going to go in. Pennoni Associates should be able to give us a good engineering estimate of what they feel it's going to cost, just like Baker Ingram & Associates did on this one. I think you're wasting people's time and effort and money, sticking a proposal out until you've got something back from Pennoni Associates.

Greg Wingo: So what you're saying is, forget about this one from Baker Ingram &

Associates?

Vice Mayor Booros: For four weeks, until you get an engineering estimate on what the other option is, which is to move the tower.

Greg Wingo: But as I said, this estimate that Mr. Young gave us, in this, I told him to give it to me on the high side. With talking to several people, this was \$350,000, there is nothing guarantying us staying out there, pouring that new foundation and moving the tower, is not going to be... it could be approximately \$350,000, \$600,000. We don't know yet, until we put this out.

Vice Mayor Booros: I understand that, but what I'm saying to you is Baker Ingram & Associates could give us an estimate for us to use, just an estimate, it's a ballpark figure, based on their knowledge. Pennoni Associates should be able to do the same thing, based on the knowledge of what kind of foundation needs to be poured and the cost of moving the tower. We should be able to get an estimate from them too, before you put it out to bid, so that we have a general ballpark idea and at that time, decide which one we're going to put out there. I think it's ridiculous to stick one out, before we know which direction we're going to go in.

Mayor Jones: I have a question and it's part Mr. Thompson and it's part Mrs. Rogers, so I don't know which direction to look in. We contracted with Baker Ingram & Associates to assess that water tower, which they did at what was the ballpark figure? Which not only included that, plus putting it out to bid?

Kristy Rogers: \$46,000.

Mayor Jones: Okay. Is there any reason why this engineer could not have prepared a package for both bids?

Greg Wingo: I called Mr. Young, approximately a week and a half, two weeks ago and asked him if he could do this and then he basically said that he didn't feel that his company could do that; they didn't have enough people in house to go ahead and he actually directed me to Pennoni Associates, because they have all the personnel in house that could do all the testing and requirements that we need.

Mayor Jones: I just need to understand, we've paid this company \$46,000 to take a look at, make a proposal and put out to bid, for what they believe we need and we want to look at an alternative, but this company did not feel they had the manpower to do that for us.

Greg Wingo: He felt that he didn't have the right personnel to go out there and give us a good estimate.

Mayor Jones: The right personnel?

Greg Wingo: As I said, I wasn't the one that put this together and reading through this I do not 100% agree with a lot of the things that are in here. I do think it was a waste of money and a lot of wasted time.

Mayor Jones: This has a pretty hefty contingency sitting on it, as well, does it not, on this bid? Are you familiar with the contract with Baker Ingram & Associates, is that unusual for a company who's paying them to not get the result that they're seeking, as far as an alternative for the bid?

Seth Thompson: I'm sorry. I didn't review the contract with Baker Ingram & Associates. But your question is, there's a contingency that they get a certain percentage of the job?

Mayor Jones: No, there's a contingency built into this for unforeseen monies that may

be needed to complete the job. Am I correct in saying that?

Greg Wingo: What was asked of them to do, was to come down and basically see what was wrong with the foundation. So they came down and pulled some core samples, took some pictures, sent the core samples away to get tested. So they actually had done everything that they were asked to do. When I talked to Mr. Young, it was more than what they were asked to do; so basically there went probably a little bit more money and then he didn't feel comfortable enough to have the personnel that he has there to give us another estimate, or basically a Plan B.

Councilman Coté: Question? Didn't somebody give us a quick and dirty cost estimate to build a new foundation and move the tower?

Greg Wingo: Yes, I had talked to a contractor and he had shot out a number, \$150,000 to \$200,000; he should be able to pour a new concrete pad and move the tower; but that did not include, apparently, the testing involved in the testing of the concrete, as they are pouring it; testing of the land, to make sure they know exactly what kind of foundation to put there.

Councilman Coté: And we can get some of those questions... it sounds like most of those questions are proposed to be answered by Pennoni Associates for \$10,000.

Greg Wingo: Yes, the majority of them, for the \$10,000 should be answered.

Seth Thompson: Just so I understand, sorry, so there's some testing, but it's also then drafting an invitation to bid, for a different scope of work.

Greg Wingo: It's not the invitation to bid. They will give us a recommendation after the testing is done. Putting a bid packet together is going to cost more.

Seth Thompson: I see. Okay.

Councilman Collier: I think I see a part of the issue here. Baker Ingram & Associates has delivered what they were contracted for and it says so on the title page, Water Tower Foundation Repairs and we're looking outside of the repair box, at this time and not knowing, if and when this was brought to pass, it's an oversight on someone's part in the past and I can't look back and find anybody to point the finger at. Mr. Wingo in his tenure has been at least proactive enough to look at other options, beside this.

Unfortunately he wasn't involved in this from the first day, so now we're kind of taking a little bit of a baby step backwards, because all of a sudden, when this was brought to our attention, there's another alternative besides repairing this thing in place and I think what opened our eyes to the alternative is the fact that in the documents that we originally received from Baker Ingram & Associates there was a statement that this repair that they were recommending, would have a limited life. Even so, that there wasn't anything that said that we wouldn't be doing this again in 15 to 20 years; and it wasn't the end all, be all, fix all. Of course, a new foundation is not either, but chances are that a new foundation will stand much longer than a repaired foundation, so I hate like hell to have to go back into the well, to spend more money to get to the end of this thing, because we need to act, but on the other hand, \$10,000 spent today to get a complete package out, to save \$100,000 in the long run or \$200,000 or however much in the long run, may be \$10,000 well spent. It does take a little bit of a backwards step and Lord knows we take a lot of steps backwards and I don't think that's going to be the norm from here forward. I think we're getting a little smarter and we have better people in place that will allow us to take these kind of steps, Mr. Wingo being one of them. So

at this point, rather than release this for an Request for Proposal until we have a complete document, even if it's a split document, because there's nothing that says you can't advertise it as one contract, with two specification manuals and they can bid on specification A and they can bid on specification B, or they can bid on both specifications.

Vice Mayor Booros: Absolutely.

Councilman Collier: But I think that we need to look at all the solutions and again, as I said, it may be \$10,000 well spent in the long run, to preserve that tower and the safety thereof.

Mayor Jones: Mr. Wingo, I do understand you inherited this; we all inherited this and from the initial contact you've made, structurally a brand new foundation, which will be inspected and looked after from beginning to end, makes more sense than cutting through and doing this in slabs and bits and no guaranty for how long this work will last. You said Pennoni Associates is presently working. Are you looking for Council's blessing to spend the \$10,000 to go forward with Pennoni Associates?

Greg Wingo: That's correct.

Mayor Jones: And those will come out of Proprietary Funds?

Councilman Coté: That would be correct.

Vice Mayor Booros: I'll make the motion to allow that, under the condition that this solicitation does not have to get put on the street, at this time.

Councilman Collier: I'll second that motion.

Mayor Jones: Is there any discussion? My question, I think, to Mr. Wingo is are you okay with holding this up until we can get all information together to put out a two-prong bid?

Greg Wingo: You've got to do what you have to do and this is the route that I think we need to go.

Mayor Jones: That's alternative B, right?

Greg Wingo: Yes. So yes, I'm fine with it and I thank you.

Mayor Jones: Is there any other discussion?

Councilman Coté: I have a question before this ever goes out to the public or the contractor's. The last page, or whatever that is, one page from the back, where it specifies concrete removal and I'm not an engineer, so maybe I'm completely off base, but the problem with the concrete crumbling is that it probably was not the concrete that should have been used to make the foundation in the first place and this seems to specify just taking out the crumbling parts and pouring the new concrete over what's there already. In this section D, Concrete Removal, it specifies a number of steps to take.

Councilman Collier: That would be my assumption, Sir.

Councilman Coté: But it sounds like we're just going to pull out what's crumbling and pour new concrete of the correct variety, over the old one and that doesn't seem to make a lot of sense to me.

Greg Wingo: No, what they're going to do is they're going to start... or they propose to start at the worst sections of the tower and cut those sections out and replace them...

Councilman Coté: Is this all the way...

Greg Wingo: When it's done, it would be all the way around.

Councilman Coté: But is it all the way to the depth, is it not the whole depth of the concrete... what I'm saying is that new concrete is going to sit on top of the old concrete.

Greg Wingo: No. No. It would be all the way down.

Councilman Coté: That's not what this says.

Greg Wingo: They originally talked about just doing four sections and that has actually changed. It's ended up going all the way around. When I got involved in it, they ended up doing just the core samples on one side; and then I talked to them and they came back to do the core samples on the other side, so they found that it all... every bit of the tests that they were doing, there was bad concrete in every core sample.

Councilman Coté: Well, I'm going to read number 6. It says test area where concrete has been removed by tapping with a hammer and remove additional concrete until unsound and disbonded concrete, is completely removed. So if part of what's there is not crumbling and doesn't break apart when you tap it with a hammer; I don't know how hard you tap with a hammer. I might tend to tap harder than they might, but I don't know. It sounds like some of the existing concrete will remain, either underneath, at the bottom layer; if it doesn't break apart, could remain. That's what it sounds like to me. I would like to think it wouldn't be that way.

Greg Wingo: As I said, it was just the one side, but even originally it was taken out from top to bottom; taking that whole section out.

Mayor Jones: It's patching.

Councilman Collier: From what I can hear is surface preparation for overlay; an overlay is just what it is, it's an overlay; you're going to remove a portion down to what they would consider stable concrete; condition, replace, whatever they have to do to the existing re-bar that's exposed and then overlay that, so I'm not seeing this as a complete rebuild; a section at a time. I'm seeing this as it's a lot like capping a tooth, to put it in an example that maybe people would understand; or at least that's how I interpret this procedure, because at some point in time, you can't remove all the concrete and keep the integrity and the reinforcement rod within it and remove all the concrete around it. You have to leave a certain portion behind, in order to stabilize that, because if you pull it out and there's any shift or change, then you have additional problems, so I'm looking at this and it specifically uses the term overlay; so I think that's the interpretation that I get and I'm not... If that was the only option we had, then great; that's what we have to do, but you've presented us with another option. I think we've got a motion to make on the table to go ahead with that, so let's go ahead and go with it.

Greg Wingo: One more thing. To try to answer that a little bit better. It's completely... that is going to make a new foundation, from start to finish. They have to drill in, once they cut their piece out, they have to drill in and put the re-bar in there and that might be what you're getting at overlaying, until they get to that next part.

Councilman Collier: Well, there's some doweling that's involved in the sections, because I'm not familiar with concrete water tower structures, I'm familiar with concrete road repair and bridge repair and stuff like that and anytime I see the word overlay, that just tells me that you're not going to complete full depth. I don't know what supports that tower; whether it's on piling, piers, it's on some sort of significantly deep foundation.

Greg Wingo: We don't know that, because we don't have any plans.

Councilman Collier: Well, you see that's the other thing, that concerns me, because that may very well be the problem in itself, because we don't know that. I still think that we're in the right direction to look at this second option; I feel a little more comfortable with the idea that we're looking at a rebuild vs. personally, what I see, is a band aid. Everything that I read here indicates to me if it was a complete removal, then why didn't they suggest that we just build a new foundation and move the tower over.

Mayor Jones: I have to agree with Councilman Collier, followed by number E on that; talking about re-bar preparation and removing loose and flaky rust from reinforcing bars by high pressure water cleaning.

Vice Mayor Booros: If they were cutting out a whole pie shaped piece, they would be pulling out all the re-bar, all the concrete, everything.

Mayor Jones: There's too much in here about mortar patching, that makes me nervous and I'm sorry that this landed on you, but I think it's time to call for a vote. Is there any other discussion, other than what we've had? We have a motion on the table to continue with Pennoni Associates, authorize the funds for them to go forward, do the testing and hold this contract, until such time as that is finished.

Vice Mayor Booros: The funds in the amount of \$10,000.

Mayor Jones: And the funds in the amount of \$10,000. All those in favor say aye.

Opposed. Motion is carried. Thank you for reaching out to Pennoni Associates for that second opportunity, Mr. Wingo.

- c. An Ordinance to Amend the Town Code – establishing Water Conservation practices (third reading)

Mayor Jones: We have our agenda this evening an ordinance to amend the Town Code establishing Water Conservation practices.

Seth Thompson: Thank you, Madame Mayor. This was discussed at one point last year. There was a fairly brief ordinance from the Water Committee. Council discussed it at that point in time and asked that I take a look. I'll just hit some of the highlights. We're setting up just a new section within Chapter 215. Council's discussion involved putting some book ends in terms of time; so you can see in the new sub-section B, the draft indicates that it would be operative from May 1st through September 30th. Obviously, that's up for discussion, but I did put that in there, because I think at the prior meeting that was the time frame that was discussed. There was also some discussion with regard making sure the ordinance covered not just watering your lawn, but also washing your cars, so you can see in B3 it includes washing any vehicle; there is an exception for a commercial car wash, so this wouldn't apply to a commercial car wash. There's also filling a pool. You can see the definitions were taken largely from other sections of the Town Code and then the very important definition is the designated outdoor water use day. So I used the method of a street address that ends in an even number and then, obviously, a street address ending in an odd number, is on the odd numbered calendar days. I also included in there, language that if you are in an apartment complex that has multiple addresses, then use the lowest street number. So in terms of violations, any act of non-compliance is a violation and it's punishable by a fine between \$50 and \$99; however, a first offense is lower; that's \$25 to \$50. It also makes clear that you can have multiple violations in the same day if for instance you wash your car and water your

lawn.

Vice Mayor Booros: Mr. Thompson, you used the word conviction, so where do we have to take them to get convicted to charge them \$25 for washing their car; what's it going to cost us to get them convicted?

Seth Thompson: Right and you would file in the J.P. Court, because that's typically the court that's charged with Town Ordinance violations; so the Court would then, assuming you prove your case, find you in violation, we kept it under the \$100 per violation, so that it stays in J.P. Court; they don't transfer it over to the Court of Common Pleas...

Vice Mayor Booros: So we write them, in essence, like a ticket? Right?

Seth Thompson: That's right.

Vice Mayor Booros: And they can take it to J.P. Court or pay it.

Seth Thompson: Correct. I did include in there that the person is responsible for payment of court costs and attorney's fees. I can tell you the court doesn't often allow all of the attorney's fees, especially when you're talking about a \$50 fine. It would seem a little bit out of proportion if they had to pay \$500 because the attorney sat there for two hours waiting for their turn on the calendar. I included in there the Town Code Enforcement Officer has the authority to enforce this action, so in other words, that's who writes the ticket, as opposed to the police.

Mayor Jones: That would be my point of contention, right there, because the Code Enforcer isn't going to be riding around at 11:00 at night, when people are watering their lawns. I think that that portion needs to include police authority to write these tickets, because Code Enforcer's only going to see them during the Code Enforcing hours and not necessarily the weekends. So I think we need to educate our Police Department, as well and include them in the authority to enforce this section.

Seth Thompson: We can certainly set it up where both the Code Enforcement Officer and the Police Department have the authority to enforce this section, so that's something we can do, just under D5 there. The last section obviously doesn't change anything related to water emergencies, so in other words, if someone declares a water emergency and it's effective every day, that isn't change by this ordinance.

Vice Mayor Booros: Madame Mayor, I make a motion that we approve the ordinance to amend Chapter 215 of the Milton Town Code to include a new Section – Water Conservation with the change specified earlier to include the police to be able to issue citations for violations.

Councilman Collier: I'm going to second it for discussion. Don't we need to duly notice a public hearing on this before we can actually sign this into being.

Seth Thompson: It's not a zoning, so you don't have to have a public hearing. You can certainly elect to have a public hearing.

Councilman Collier: Then we need to correct the statement at the bottom, because it has under the Mayor's signature, "Following a duly noticed public hearing at which a quorum was present and voting throughout and the same is still in full force and effect."

Councilwoman Parker-Selby: I'd like to add to that. I can't agree with this because overall the State's looking at we've got too many people sitting in jails as it is and we will have plenty of people in this town, who unless they're educated more than one time, more than one notice about such an Ordinance, that may get caught up in this kind and don't have the money to pay a fine or what have you. We're going to be policing

something that to me is a minor issue; unless there is an emergency and we know we have to really watch people from not doing that; but I think this is a little bit too much. My personal opinion. I cannot agree with this type of ordinance.

Vice Mayor Booros: And the reason that I made the motion, was because part of our allocation of what we can pull out of the ground, is the fact that we have a conservation effort in place and we did not have a conservation effort in place the last time we asked the State to allow us to pull more water out of the aquifer. They turned us down. Part of the reason they turned us down was because we didn't have any sort of water conservation in place.

Councilwoman Parker-Selby: Okay, I agree with water conservation, don't get me wrong with that, because I do practice that, but you have to educate the people before we start saying you know you're going to have to pay a fine; if somebody says the police are coming. I don't think that type of thing should be necessary without pre-warning everyone, the radio station, what have you, that this type of thing could happen; before we say this is it. That's my personal opinion, because we've done this before... some things that happened in the past in Milton and people weren't aware of it. Not everybody reads things in the mail and the best thing is WBOC is an option, because people look at their televisions; but to start something like this and not let everybody know this may happen; I have a big problem with that, because you're going to have some people sitting up and maybe having to go to jail because they washed their car at night. I just can't deal with that.

Vice Mayor Booros: Maybe our guys need to have the ability to give out a warning first go around.

Councilwoman Parker-Selby: That's better than you did it and now you're going to get a ticket. I would prefer to let people at least have the opportunity to understand and know it, by giving them a warning or something; but not this, right to the point, you're going to go to jail...

Councilman Collier: I don't see go to jail in here, councilwoman.

Seth Thompson: And councilwoman I think your point's well taken. You certainly have the discretion to have the first offense being punishable, or warranting a warning; you can do that.

Councilwoman Parker-Selby: I think a warning would be very appropriate.

Seth Thompson: The other element, the effective date that I put in the draft is August 1st, so obviously that's not tomorrow. There would be time to put that on the town website and I understand that not everybody does that; but there is some lag time between the ordinance and when it becomes effective. If the Town did want to do some sort of Press Release or some other means of providing information. And Councilman Collier, you were correct. It shouldn't say duly noticed public hearing; it should just simply be a duly noticed meeting, because this didn't require a public hearing.

Councilman Collier: Well, I was just going by the document.

Mayor Jones: A bit of history. This Water Conservation idea came to us on the recommendation of the Water Committee and the reason it's actually come back to us this time, is because it was recommended to be year round; rather than at our peak times and so I think this is well reduced. I would recommend that it be added to a next billing cycle, if it is passed; however, because this is what it is and affects so many, I am not

afraid to make the recommendation that we have a public hearing on this matter; because it affects an awful lot of people and I know that we don't have to, but perhaps we ought to.

Councilwoman Parker-Selby: I think that's a good idea.

Vice Mayor Booros: Madame Mayor, but also the inability to pull more water out of the aquifer to suit our needs, also affects a lot of people.

Mayor Jones: Yes, it does.

Councilwoman Patterson: But you see, I didn't know that, so now that you brought that bit of history up and that's why this has come before us, is that we were denied a grant because we don't have conservation efforts.

Vice Mayor Booros: Not a grant, we were denied the ability to pull more water allocation.

Mayor Jones: Allocation.

Councilwoman Patterson: Sorry, allocation. It might behoove us to have a public meeting because of that, because that sort of changes things, because there could be a lot of information misconstrued from this.

Mayor Jones: For me, this goes hand in hand with the town beginning to move in the direction of green energy. Conservation is not new to an awful lot of municipalities. It's a responsible action.

Vice Mayor Booros: It was even recommended at the time, that the Town come up with the kits that you could put in your commode to use less water. That was another option. We should have a public hearing on that one too, while we're at it.

Councilwoman Patterson: No. No.

Mayor Jones: However, I would caution anybody on Council and this will, I'm sorry the Chief of Police is not here, and I hope that Mrs. Rogers will carry this through to Mr. Davis; there is no sense in putting this or any other additional ordinance on the books unless you're going to enforce it. It is nothing more than more paper. So I endorse it. I think it's a good idea and I think it's the direction Milton ought to go, but I would like to see because it will affect many and getting the word out in a public hearing forum, may be a better way to do that.

Vice Mayor Booros: I will withdraw my motion, but I'm going to say something as I withdraw it. If we're going to have a public hearing or a workshop, for every time this Council spends a dime, you think the process is moving slow now, watch it.

Mayor Jones: This doesn't have anything to do with spending money.

Vice Mayor Booros: This has to do with revenue, this has to do with water allocation, this has to do with conservation. Every time we make a decision, if we have to... I'm sorry Mr. Dailey isn't still in the room; if we have to have a public hearing for Mr. Dailey, or a workshop for Mr. Dailey, so that he gets his say, then nothing's ever going to get done, but I have withdrawn my motion.

Councilwoman Patterson: I have to disagree. I think this is such a big ordinance and knowing the history behind it...

Vice Mayor Booros: So make a motion to have a public hearing and let's move onto the next topic. Let's not beat it to death in this room now and then have to get back together and beat it to death with a public hearing.

Councilman Collier: I'll withdraw my second, since you withdrew your motion. So now

the table's open.

Councilwoman Patterson: So should I make a motion to take this matter to a public forum?

Seth Thompson: Right and the one thing... I know that people are used to a public hearing occurring when it comes to zoning, for instance; and that gets noticed in the newspaper 15 days in advance. You wouldn't have to do that here again, so I think just for Mrs. Rogers' sake, the question she probably wants the motion to be clear as to whether it's something she needs to put in the newspaper, or if it's simply going to be noticed on the next agenda.

Vice Mayor Booros: Not everybody reads the agenda; not everybody reads the newspaper... Okay?

Mayor Jones: So we don't need to call it a public hearing...

Vice Mayor Booros: Put it in the damn newspaper.

Councilwoman Parker-Selby: In the whole country, not everybody reads the newspaper. If you put it on Facebook, then they'll read it.

Seth Thompson: I think it's certainly important if the agenda says it's a public hearing; people are on notice that the Council is going to receive comment at that point. I think it's more a question of do we need to do this 15 days out, which translates to longer than that, because of the time to get it into the paper and also if you need to go the expense of the paper; but it could be that because this is an issue that affects a lot of people in Town, that Council feels the need to put it into the newspaper. That's entirely up to Council.

Mayor Jones: This is a courtesy. We don't need to call it a public hearing and need absolute notice that way in the papers, but I think this ought to go out as a courtesy for receiving public comment.

Councilwoman Parker-Selby: I agree. I second...

Mayor Jones: No, that's not part of the motion. I can't do that.

Vice Mayor Booros: Councilwoman Patterson made the motion.

Councilwoman Patterson: Did I make the motion? How should I word it?

Seth Thompson: I think you should make a motion to table it for the next hearing, so that you can receive public comment; assuming that people don't want it in the newspaper.

Councilwoman Patterson: Okay. So I make a motion to table this until the next meeting for purposes of receiving public comment.

Councilwoman Parker-Selby: Second.

Mayor Jones: Do we understand the motion? All those in favor say aye. Opposed.

Motion is carried. Mrs. Rogers, will you see that that gets on our next agenda? Thank you very much.

- d. An Ordinance to Amend Chapter 183 of the Town Code regarding Sidewalks (**first** reading)

Mayor Jones: Mr. Thompson?

Seth Thompson: Yes. This is my version of what the Streets and Sidewalks Committee had proposed, looking at Council. The one change that I didn't implement, the 30 days for purposes of making a repair is in your Charter; it's in Section 31 of your Charter, so I didn't change that, because of the way it reads, it certainly says they shall do that repair

within 30 days; now the question is then if the Council or the Town wants to go forward and make the repair and then charge them, that's how the Charter is set up. This is really dealing with a fine in addition to that process. As you can see in Section 183-19b, again, the procedure set up in the Charter for the town repairing it and then billing the property owner, remains in effect and this is separate from that. So the process here, we changed a few references from Town Clerk. I used some broader language because I wasn't quite sure how our Charter would read if indeed we go through the process of amending the Charter where it says Town Clerk vs. Town Manager or Town Chief Administrator; that sort of thing. So I used Town Official charged with Code Enforcement. Then the other change was that that person, along with the Public Works Director, is supposed to inform Council of any broken or damaged sidewalks. Again, that currently exists, except if for some reason that duty falls on the Chief of Police, in addition to the Town Clerk; just based on your current code. I added in a new sub-section C that basically says any repairs not completed within the 90 days, are going to be a violation and it's punishable of not less than \$25, nor more than \$75, plus the cost of prosecution and each day is a separate offense. That's that first section. When we look at the second section of the Ordinance, this is where it makes it clear that it's in addition to the fine, the Town can go through the process of the Charter and then in the final section of the ordinance, there was just a simple typographical correction from then to than and as Councilman Collier and the Committee pointed out, for some reason it was the Street Committee that was charged with removing the snow. I changed that to each additional 24-hour period, in which a person permits a sidewalk, or pavement to not be shoveled, there's going to be a fine of \$25 to \$50 and it's if the town removes that; then in addition to the fine, the homeowner or occupant, or both, is charged with the cost or the value, in the event that the Town is the one that actually does the shoveling. I included the term value and I said that they would be jointly and severally responsible. So in other words, you can't collect the cost of the snow removal from all parties. So let's say it was \$100 to get the walk shoveled. You can collect that \$100 from any of the people that are responsible, whether it's the occupant or whether it's the owner or whether there's a second owner; but you couldn't recover \$300, in that scenario obviously.

Mayor Jones: What does it cost to remove? Isn't that an infinite number; it can be anything. That would be if the town contracts to have a sidewalk cleared, or if Public Works clears it.

Seth Thompson: Right and the reason I put in cost or value, is that if the Public Works Department is the one that clears it, then the argument is, well the Town didn't incur any costs, that it wouldn't have otherwise incurred that day, so that's why I put in...

Mayor Jones: We actually did.

Vice Mayor Booros: So we'll add this to the list of the thousands of dollars in unpaid grass cutting fines that we have out there?

Mayor Jones: Also, I would have to say under 183-1a, that calling for the owner shall cause the sidewalk or curbing to be repaired within 30 days after notice; I believe you are lucky to get a contractor, not only to come and look at your property, but agree to have it done in 30 days. I think that is not...

Councilman Collier: That's why C exists.

Mayor Jones: Why C exists. That's 90 days, though. But that's different.

Councilman Collier: 30 days to start the process; 90 days to get it completed.

Seth Thompson: That was my intention.

Mayor Jones: Shall be repaired. Shall be repaired within 30 days after notice.

Seth Thompson: And that language tracks with the Charter; but Councilman Collier is correct, that I think the committee wanted to be realistic in terms of getting it done, so that's why sub-section C would be added, under the proposed ordinance where they're not subject to the fine until after 90 days.

Councilman Collier: A combination thereof. We essentially gave them 120 days to get the job done. So that's a four month period from once they're noticed to get it done.

Mayor Jones: That's not how I read that.

Vice Mayor Booros: That's not how I read it either. They contradict each other.

Mayor Jones: After shall, the owner shall cause the sidewalk or curbing to be repaired within 30 days. Shall. Means it's going to happen.

Seth Thompson: Here's the equivalent scenario that I deal with whenever I deal with a real estate settlement. Your mortgage and your note say that you need to pay on the first of the month. You don't incur that late penalty until the 15th of the month, so your mortgage payment is late on the 2nd, but you don't incur the penalty until the 15th; so this is kind of a similar dynamic; where again you're supposed to pay on the 1st; so here you're supposed to get it repaired within 30 days; but you're not incurring the penalty until the 15th.

Vice Mayor Booros: So why don't you split the difference, give them 60 days to do it and if it's not done in 60 days, we're going to give you the penalty.

Seth Thompson: You could certainly do that. Again, the 90 days, I think I pulled that from the Committee's suggestion in terms of the...

Councilman Collier: That was it and I would say... I don't know how you would word it, but you notify them, they've got 30 days to acknowledge that they received the notice and 90 days to complete the repair, I think was the intent or the thought that the Committee had.

Vice Mayor Booros: That makes sense, but that's not what this says.

Councilman Collier: It's not exactly what it says and I agree with that. I'm not arguing that point. At some point in time, again like Mr. Thompson says, this language with the 30 days, that emulates what is within the Charter.

Mayor Jones: And it doesn't say anything about the homeowner getting back to a Town Official to say yes, I got your notice; which is what you just said.

Vice Mayor Booros: Wouldn't they have to get a building permit to repair the sidewalk?

Seth Thompson: They should.

Councilman Collier: Exactly.

Mayor Jones: If we're going to make it, I would hope we could make it less confusing from the beginning. I understand that it would require a Charter change on that 30 day; that's what you're saying.

Seth Thompson: Right.

Councilman Collier: Well, this is only the first reading, so it can certainly go back to the table for work and if somebody will make that motion, I'll second it.

Vice Mayor Booros: I'll make the motion that this goes back for some more work.

Councilman Collier: I'll second that motion.

Mayor Jones: Any other discussion? All those in favor say aye. Opposed. Motion is carried.

13. New Business – Discussion and possible vote on the following items:

- a. Replacement of Downtown Clock – including approval of the style and expenditure
Mayor Jones: We're onto New Business, which is the replacement of the downtown clock. Mr. Wingo has presented three, if I'm correct, three estimates, all from a local company here. Is there anything that you wanted to add to this and the pictures that you've included?

Greg Wingo: I do want to note here that there was a price in here for replacing, back to an LED sign and it was approximately the \$10,000 and that's to put it almost about the same as what it looks like right now.

Vice Mayor Booros: It's not just replacing the guts, it's replacing the whole thing?

Greg Wingo: Replacing the whole thing. What we ran into is we cannot get any parts to fix the problem that the sign has right now, so it's basically a dead sign, until we either fix all the guts in it, put new guts in it, or go ahead and replace the whole sign.

Vice Mayor Booros: So is the \$10,000 for replacing the guts, or just putting up a whole new one?

Greg Wingo: It's going to be new framing work, but it's going to be semi with the same... it's almost going to look just like that one. It's going to have the same set up with the back-up and on the actual thing on that, even if you lose electric, it will keep it going for a certain amount of time. Then there was also one here, an LED sign that was the message board and those two signs, I didn't get pictures for, but I can. Then the historical clocks that I did get pictures of and the costs are in here. If the Council wants, I can get them pictures for the LED signs, but you can just go right down there to fire house and you can see what I'm talking about. What I recommend and this is me, is I do like the historical signs, but there are some options in here. If you want, I can go get some more options.

Vice Mayor Booros: Mr. Wingo, I did that for you already and they're a lot cheaper than the option from Rogers Signs.

Greg Wingo: The clock, it's not going to work until we can do something; whether it's replacing that clock or replacing all the guts or...

Vice Mayor Booros: I make a motion that we also set this aside for public comment, like we did that ordinance.

Councilwoman Patterson: I second.

Councilwoman Parker-Selby: Discussion. I'm going to have to go along. I remember when they put that clock there and when Mr. Coverdale came and the Lion's Club in this Town has been tremendous throughout the years, even when I was a kid, doing things for this town and I don't think what he said tonight should be ignored. Truthfully I'm not for this Victorian style clock. I know we're small town USA, but the clock's on both sides; I'm so used to coming downtown and seeing the temperature and everything on that clock, that style of clock and I just don't want the history, as he said and saving money also should be a priority, I think and if that's going to help us with that; let's maintain what has happened in the past, not to lose that; people worked hard to get it and I think we need to really reconsider and think about this a little bit more.

Councilwoman Patterson: That's why I think bringing it to a public forum, makes a lot of sense, because everybody shares in this town and everybody's voices should be heard; especially with something as significant as this. I didn't know the background history and I think bringing that all to the public and letting them guide our decisions would be very beneficial to this matter.

Mayor Jones: I do not disagree with that comment, but I can tell you the overwhelming amount of people that have contacted me directly, knowing this issue was on this agenda, hope that we will review and choose a more historic looking clock for this town. No one of the people who have contacted me have asked to resurrect the one that is there. So I'm just putting that out to the public. I do agree. I've taken a lot of opinion about the clock and this subject, so I do think it needs to be carefully looked at and Mr. Wingo, if you need some help, I think that you probably have an overwhelming number of companies that will supply you with any style, so I don't think we're going to ask you to arrive here with 50 different samples, but perhaps a different company to get another estimate, maybe even two company's. My question about the company's outside of the local is, who will maintain and take care of them. I think that's an issue, if we choose to go away from what we have.

Greg Wingo: I can get you as many quotes on different kinds of signs that you want; but what I need to know is what kind of a sign do you actually want out there? Do you want to go with something like the same thing? Do you want to go more with the historical sign?

Vice Mayor Booros: You'll have to hear what the public has to say, but we need to provide them with all that information.

Mayor Jones: Could you bring us a small buffet?

Greg Wingo: I can do what I do. I can do my best, I guess. Just Councilwoman Patterson it's in here on a little bit of the background and history of that clock.

Councilwoman Patterson: Which is fine. I did see that. Also, Rogers Signs seems to be a little bit on the expensive side from what Vice Mayor Booros brought in, so looking at that...

Vice Mayor Booros: And I've seen some of those clocks in other towns. I actually took pictures of the little nameplates on the clocks; that's why I knew what the names of the other companies were, up in Pennsylvania when I was visiting.

Councilman Collier: My only thought would be, can we incorporate something from the old clock, into a new clock and reach a happy compromise. There is an emblem at the top; it states Milton and can that not be converted into a clock face, so we retain part of the old and also institute some new and keep the public happy.

Vice Mayor Booros: Let the public in. Say it in front of the public.

Councilwoman Patterson: Let them bring their opinions to us.

Councilman Collier: I just thought I would throw that out there for thought, because not speaking for the Lion's Club, although I am a member and probably shouldn't be part of this discussion at all; I know that they're very clingy to that clock.

Mayor Jones: I do particularly like the examples that you have given us in our package, because the town's look very similar to our own in some of these pictures; what I would recommend on this one estimate, or proposal from Rogers, is that they have this turned around; the larger clock is cheaper than the smaller clock; unless it's me who's turned

around.

Vice Mayor Booros: No, that's the way they have it.

Councilman Collier: Except on one.

Vice Mayor Booros: It's in two different places.

Councilman Coté: On the most recent one, I think they have them in the right order; because I think the May 7th is basically the same as the April whatever it was.

Mayor Jones: October, because that's how long Mr. Wingo has been bringing this to our attention. I also spoke to a member of the business community who wondered if an effort to try to raise some money through the business community would help to offset the cost of the clock, so with your permission I'll continue to pursue that with the business owner.

Vice Mayor Booros: Is it the business owners looking to offset the cost of a new clock, or repairing the existing clock?

Mayor Jones: The business owner understood that right now this clock is dead in the water and if it required us having to replace it, that he believed, he had good faith that the business community may come forward with a contribution. So it's worth pursuing, I believe; but I do like the examples you gave. Those are very good.

Councilwoman Patterson: And I do too, I meant to tell you and I do like what Mr. Welu said. I like the Town of Norwood.

Mayor Jones: So a motion to set this aside, again for the next meeting, accepting public comment.

Vice Mayor Booros: It's already been made and seconded.

Mayor Jones: Are we finished all discussion? All those in favor say aye. Opposed. Motion is carried.

14. Executive Session:

- a. Discussion of the content of documents, excluded from the definition of 'public record' in 29 Del C. § 10002, including records with trade secrets, confidential/privileged commercial or financial information, or exemption from public disclosure by common law.
- b. Strategy sessions involving legal advice or opinion from an attorney-at-law with respect to potential litigation

Mayor Jones: I need a motion to go into Executive Session.

Councilman Collier: Alright, before I make the motion to go into Executive Session, and before the public all walks out, I wanted to do one thing and I didn't know where to do it on the agenda, but, I'd like to go ahead and extend kudos to Mr. Wingo and the condition that he has kept the park in this past month; I've had quite a number of events that the Lion's Club has hosted and every single one of the clients of the Lion's Club has complimented the park and how great it looks and how nice it looks. I got a ton of feedback. I wanted to take this opportunity to tell him thank you for a job well done.

Mayor Jones: Thank you.

Greg Wingo: Thank you and I'm going to pass that on to my staff.

Councilman Collier: Please do. Motion to go into Executive Session.

Councilwoman Patterson: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried.

Mayor Jones: Can I have a motion to come out of Executive Session?

Councilman Collier: Motion to come out of Executive Session.

Councilwoman Parker-Selby: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried.

15. Discussion and possible vote on Executive Session items

Councilman Collier: Motion to authorize the Solicitor to write two letters in reference to wastewater treatment issues.

Vice Mayor Booros: Second.

Mayor Jones: Any further discussion? All those in favor say aye. Opposed. Motion is carried.

16. Adjournment

Councilman Collier: Motion to adjourn.

Councilwoman Patterson: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Meeting adjourned at 9:07 p.m.